

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DOUGLAS E. BAKER and VERNELL F.
BAKER, husband and wife; HARD ROCK
TRUCKING, INC., a Washington State
Corporation,

Plaintiffs,

v.

CLALLAM COUNTY, a Political Subdivision
of the State of Washington; JEFFERSON
COUNTY, a Political Subdivision of the State
of Washington; JOHN PRENTISS, Clallam
County Prosecutor; FRED DEFRANG,
Former Clallam County Undersheriff; RON
CAMERON, Sheriff of Clallam County;
JUELIE DALZELL, Jefferson County
Prosecutor,

Defendants.

NO. C08-5147 RBL

ORDER DENYING MOTION TO
STRIKE

This matter was originally before the Court on Defendants' motion to dismiss for lack of subject matter jurisdiction, insufficiency of process, and failure to state a claim upon which relief may be granted. [Dkt. #6] That motion was filed with the Court on April 14, 2008, and was noted for consideration on May 9, 2008. The Court received Plaintiffs' response in opposition [Dkt. #8] on May 5, 2008, and Defendants reply [Dkt. #10] on May 9, 2008, the noting date. The Court considered the entirety of the record and entered an order granting Defendants' motion in part and denying it in part. [Dkt. #11]

Then, shortly after the Court's order was entered, Plaintiffs filed an objection and moved the Court

1 to strike Defendants' previously-considered reply brief. [See Dkt. #12] Plaintiffs claim such action is
2 warranted because the Defendants' filed their reply on the same day the motion was noted for, "a clear
3 violation of this Court's rules regarding timeliness of filing briefs." [Id.] However, it appears that Plaintiffs
4 failed to consult the very rules they accuse the Defendants of violating. *See* Local Rule W.D. Wash.
5 7(d)(3) (available online at <http://www.wawd.uscourts.gov/ReferenceMaterials/LocalRules.htm>) ("Any
6 reply papers shall be served and filed no later than the noting date.").

7 Defendants filed their reply brief in compliance with the Local Rules, and – in any event – that brief
8 has already been considered by the Court. Plaintiffs' motion to strike is therefore DENIED.

9 IT IS SO ORDERED.

10 DATED this 13th day of May, 2008.

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12 RONALD B. LEIGHTON
13 UNITED STATES DISTRICT JUDGE
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